(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO. 253 OF 2004

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. M. S. Sonak, advocate for the petitioners.

Mr. Sudesh Usgaokar, advocate for respondent nos.1 and 2.

CORAM : B. H. MARLAPALLE, J.

DATE : 23rd September, 2004.

P.C.:

Heard Mr. Sonak, learned counsel for the petitioner and Mr. Sudesh Usgaokar, learned counsel for respondent nos.1 and 2. By the impugned Order the learned Civil Judge, Junior Division, at Quepem has appointed Shri Vikas Dessai as a the Commissioner, who has been directed to demolish the part of the construction done by the defendants which part overhangs or protrudes above the roof of the plaintiff's house as shown in the sketch produced by P.W.2 at Exh.P.W.2/A. The Commissioner has been given

liberty to inspect the file of Regular Civil Suit no.45/83, after taking the permission of the Court, either to copy down the said sketch, or to peruse the same in order to act as per the said sketch.

2. There is no dispute that the Commissioner would have to submit his compliance report to the court below after he proceeds as per the directions given by the said Court and at that stage,if the decree-holder still has a grievance regarding the execution of the decree, he is at liberty to apply to the Court below for further orders and such an application will have to be considered on its own merits.

3. Petition disposed of with the above clarification.

B. H. MARLAPALLE, J.

mc.